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Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
HERMINIA HERRERA-ORTIZ,  
  
Defendant.

CASE NO. 1:20-CR-00034-DAD-BAM

STIPULATION TO VACATE STATUS  
CONFERENCE, SET CHANGE OF PLEA, AND  
EXCLUDE TIME UNDER SPEEDY TRIAL ACT;  
FINDINGS AND ORDER

DATE: February 23, 2022  
TIME: 1:00 p.m.  
COURT: Hon. Barbara A. McAuliffe

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through her counsel of record, hereby stipulate as follows.

1. By previous order, this matter was set for status on February 23, 2022.
2. By this stipulation, the parties now move to vacate the status conference, set a change of plea on March 21, 2022, and to exclude time between February 23, 2022, and March 21, 2022, under Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
  - a) The government has represented that the discovery associated with this case and its related case includes full extractions from four cellphones of almost 100 gigabytes of data. All of this discovery has been either produced directly to counsel and/or made available for inspection and copying.

b) Counsel for defendant desire additional time to review discovery, discuss with her client the proposed resolution in this case, prepare for the change of plea hearing, and begin to prepare for sentencing.

c) Counsel for defendant believe that failure to grant the above-requested continuance would deny her the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

d) The government does not object to the continuance.

e) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of February 23, 2022 to March 21, 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: February 9, 2022

PHILLIP A. TALBERT  
United States Attorney

/s/ LAURA D. WITHERS  
LAURA D. WITHERS  
Assistant United States Attorney

/s/ Virna Santos

Dated: February 9, 2022

VIRNA SANTOS  
Counsel for Defendant  
HERMINIA HERRERA-ORTIZ

**ORDER**

IT IS SO ORDERED that the status conference set for February 23, 2022, is vacated. A change of plea hearing is set for **March 21, 2022, at 9:00 a.m. before District Judge Dale A. Drozd.** Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).

IT IS SO ORDERED.

Dated: **February 10, 2022**

/s/ *Barbara A. McAuliffe*  
UNITED STATES MAGISTRATE JUDGE